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C O N F I D E N T I A L AIT TAIPEI 000163

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SUBJECT: CLEANING HOUSE IN THE JUSTICE MINISTRY

REF: 09 TAIPEI 1153

Classified By: Political Section Chief David Rank,
for Reasons 1.4 (B) and (D).

11. (SBU) Summary: President Ma's nomination of an official known for his integrity, impartiality and modesty, to be Taiwan's top prosecutor will strengthen judicial independence after the previous Prosecutor-General was impeached over his handling of the corruption investigation of former President Chen Shui-bian. The nomination of Huang Shih-ming (now the Vice Minister of Justice) is one of the more important personnel decisions by President Ma, whose advocacy of clean government is perhaps his strongest political asset. End Summary.

Prosecutor-General Chen Tsung-ming Impeached

12. (C) The previous Prosecutor-General, Chen Tsung-ming, resigned on January 19 after the Control Yuan impeached him over concerns of questionable ethics related to the corruption investigations of former President Chen Shui-bian and his family. Although the Control Yuan did not provide details of its decision, local press reported that Chen Tsung-ming failed to disclose his personal contacts with former President Chen's family doctor, who is now a suspect in the case. The Control Yuan, Taiwan's government watchdog agency, also turned over evidence to local prosecutors to determine whether Chen Tsung-ming should face criminal charges, according to Soochow University Criminal Law professor Li Jung-geng.

Political Parties Focus on Impartiality

13. (C) Chen's resignation cleared the way for President Ma to name Vice Minister Huang Shih-ming to be Taiwan's prosecutor. Huang's supporters say he demonstrates the quality Ma has consistently sought in other nominations - integrity. Legislators from the ruling Kuomintang (KMT) lauded the choice, saying Huang had a reputation for impartiality, and the Legislative Yuan is expected to easily approve the nomination in coming weeks. DPP Spokesman Tsai Chi-chang, however, publicly questioned Huang's impartiality, characterizing him as a strong KMT supporter. Judicial Reform Foundation Director Lin Feng-jeng echoed Tsai's sentiment and wondered whether Huang would be able to resist ruling party pressure to influence the judicial process. One DPP legislator, however, told local reporters that Huang was a good nominee and hoped he would remain impartial.

Civil Society Pins Hopes on Huang

¶4. (SBU) Huang enjoys the respect of his peers, achieving top ranking in polls among prosecutors. His supporters say he earned his reputation for integrity by going after corruption and standing firm, regardless of a suspect's influence or political standing. For example, they note that during Taiwan's first direct presidential election in 1996, Huang went after then-KMT presidential candidate Lee Teng-hui's supporters for vote-buying. Huang's alleged refusal to meet with members of the Presidential Office at the time, or to accept a promotion in return for dropping the case, was reported in recent press.

¶5. (SBU) Huang also won public accolades for his modesty and impartiality, though one paper attributed such "over-exaggerated compliments" to public anger toward Chen Tsung-ming and urged a closer examination of Huang's judicial record and philosophy. Media reported Huang often eats lunch in his office, rather than meeting with influential businessmen and political leaders. Huang's assets, as disclosed to the Control Yuan, are equally modest - a 1,440-square-foot apartment and less than USD 200,000 in savings after three decades of public service. (Note: Huang served as chief prosecutor in the Penghu, Chiayi, Taoyuan, Shihlin, and Taipei District Courts. He was also Chief Secretary at the Ministry of Justice before becoming Political Vice Minister in May 2008. End note.)

¶6. (SBU) Local reform advocates also pin their hopes on Huang's reputation for integrity and impartiality. Prosecutors' Reform Commission Spokesman Chen Chih-ming believed Huang would continue to strengthen judicial independence, while Judicial Reform Foundation President Wellington Koo hoped Huang would shake loose old cases stalled in the system and hold prosecutors more accountable for their actions. Foundation Director Lin emphasized the need for the new prosecutor-general to serve a more activist role on judicial reform issues.

Huang's Greatest Challenge: Chen Shui-bian

¶7. (C) Huang's greatest challenge will be heading the Special Investigation Division (SID), which investigates and prosecutes cases involving high-level government officials such as former president Chen Shui-bian. In fact, many of the half-dozen cases under investigation by SID's 14 prosecutors are linked to Chen and his family. Chen's trial and detention sparked domestic and international debate over the reliability and impartiality of Taiwan's judicial system. (See reftel) Leading international and domestic legal scholars have assessed Taiwan's judicial system as fundamentally sound, and the public controversy has largely died down following Chen's convictions for money laundering, embezzlement, and other corruption charges. Legal observers believe, however, that in practical terms, Huang's appointment is not likely to directly affect the many cases against Chen Shui-bian, his family, and associates.

Comment: Just the Man for Ma

¶8. (C) President Ma's political standing has been sinking for several months due to his mishandling of a disastrous flood last August, dissatisfaction with his style of governance, and the widespread perception that he is an ineffectual leader. Although Huang's nomination did not boost Ma's popularity in public opinion polls, it nonetheless won broad plaudits and underscored the President's reputation for promoting clean government. The nomination also bodes well for continued judicial reform and therefore should make Taiwan an even more attractive partner for an extradition agreement with the United States.

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